

Students

Sexual Harassment

Peer Sexual Harassment

The Board of Education (Board) is committed to the principle that all students must be allowed to learn and work in an environment which is free from sexual harassment and intimidation, and which respects their basic human dignity. Every student has a right to freedom from sexual harassment from his or her peers in the schools.

General

Sexual harassment will not be tolerated among students of the District, and any form of sexual harassment is forbidden on school premises and during any school programs and activities. Students shall exhibit conduct which is respectful and courteous to fellow students, and to all persons in the school setting.

Definition

Sexual harassment, includes but is not limited to, any unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:

1. submission to or rejection of such conduct by an individual is used and/or threatened to be used as the basis for making any educational decisions affecting a student; or
2. such conduct is sufficiently severe, persistent, or pervasive so as to limit an individual's ability to participate in or benefit from the educational programs; or creates an intimidating, hostile, or offensive educational or work environment.

Sexual harassment includes a wide range of conduct – from pressure to requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Examples of the type of conduct prohibited by this policy include:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the students grades and/or academic progress or status.
2. Unwelcome sexual attention, flirtations and advances including verbal comments, sexual invitations and leering, unwelcoming touching of an individual.

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Definition (continued)

3. Graphic or verbal commentaries about an individual's body, and/or the use of sexually degrading words to describe an individual.
4. Displays in the school of sexually suggestive objects or pictures, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, cartoons, epithets or gestures.

This is some of the conduct that may constitute sexual harassment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex, and toward students or staff.

The Board encourages students who are victims of sexual harassment to report such claims promptly to the Title IX Coordinator, the Principal or his/her designee or any district employee. Complaints shall be investigated promptly and disciplinary and corrective action will be taken when allegations are verified. Confidentiality shall be maintained and no reprisals or retaliation shall occur as a result of good faith charges of sexual harassment.

The District shall provide a sexual harassment program for students periodically and shall distribute this policy to students annually.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

(cf. 4000.1/5145.44 – Title IX)
(cf. 5145.5 - Sexual Harassment)
(cf. 5145.52 – Harassment)

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Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).
Equal Employment Opportunity Commission Policy Guidance (N915.035)
on Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 34 CFR Section 106
Title IX Final Rule, May 6, 2020
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June
26,1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court,
June 26,1998)
Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme
Court, June 26, 1998)
Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme
Court, May 24, 1999)

Policy adopted: May 11, 2017
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